

**Partially Impounded**

**Commonwealth v. Warrens Gelin  
SJC-13433**

The issues in the case involve whether the motion judge erred in denying the probationer's motion for a new revocation hearing premised on ineffective assistance of counsel, including: (1) whether counsel's performance was deficient for failing to file a motion to suppress the fruits of the alleged unreasonable and racially-biased motor vehicle stop, exit orders, and subsequent searches, either because these actions constituted (a) a violation of the Fourth Amendment and/or art. 14, see *Commonwealth v. Olsen*, 405 Mass 491 (1989); or (b) a violation of equal protection principles under the Federal and State constitutions, see *Commonwealth v. Long*, 485 Mass. 711 (2020), and its progeny; and (2) whether this court should reconsider or modify the rule set forth in *Olsen*, *supra*, regarding the applicability of the exclusionary rule to probation revocation proceedings, on the basis of, among other things, (a) changed circumstances regarding the ability of law enforcement to access data regarding the probation status of individuals in real time, (b) the alleged disparate impact of the *Olsen* rule on racial minorities, and/or (c) to clarify the rule's applicability to motions to suppress that are based on alleged equal protection violations.